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Referred: Health, Education &  
Social Services and Judiciary

1 IN THE HOUSE

BY BUCHHOLDT, CLOCKSIN, ROGERS  
AND BEIRNE

2 HOUSE BILL NO. 99

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act prohibiting sex discrimination in education in  
7 the state and implementing art. I, sec. 3 of the Alaska  
8 Constitution."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 14 is amended by adding a new chapter to read:

11 CHAPTER 18. PROHIBITION AGAINST DISCRIMINATION BASED ON  
12 SEX IN PUBLIC EDUCATION IN ALASKA

13 Sec. 14.18.010. LEGISLATIVE PURPOSE. Recognizing the benefit to  
14 our state and nation of equal educational opportunities for all students,  
15 and equal employment opportunity for public education employees, dis-  
16 crimination on the basis of sex against any employee or any student in  
17 public education in Alaska violates art. I, sec. 3 of the Alaska Consti-  
18 tution and is prohibited. No person in Alaska may on the basis of sex  
19 be excluded from participation in, be denied the benefits of, or be  
20 subjected to discrimination under any education program or activity  
21 receiving federal or state financial assistance.

22 Sec. 14.18.020. DISCRIMINATION IN EMPLOYMENT PROHIBITED. The  
23 board, the Board of Regents, and each school board in the state shall  
24 (1) allow no difference in conditions of employment, includ-  
25 ing but not limited to hiring practices, credential requirements, leaves  
26 of absence, hours of employment, pay, employee benefits, and assignment  
27 of instructional and non-instructional duties on the basis of sex; and  
28 (2) provide the same opportunities for advancement to males  
29 and females.

1           Sec. 14.18.030. DISCRIMINATION IN COUNSELING AND GUIDANCE SERVICES  
2 PROHIBITED. All guidance and counseling services in public education  
3 are available to all students equally. All certificated personnel are  
4 required to stress access to all career and vocational opportunities to  
5 students without regard to sex.

6           Sec. 14.18.040. DISCRIMINATION IN RECREATIONAL AND ATHLETIC ACTIVI-  
7 TIES PROHIBITED. (a) Equal opportunity for both sexes in athletics and  
8 in recreation must be provided in a manner commensurate with the in-  
9 terests of each sex. Separate school-sponsored teams may be provided  
10 for each sex. When separate school-sponsored teams are not provided in  
11 a particular sport, females and males must be allowed to compete equally  
12 for places on the school-sponsored team. Schools which sponsor separate  
13 teams in particular sports shall provide equipment and supplies, ser-  
14 vices, and opportunities including use of courts, gymnasiums, and pools,  
15 in substantially identical fashion to each team with no disparities  
16 based on sex. Each school which provides showers, toilets, or training-  
17 room facilities for athletic or recreational purposes shall provide  
18 comparable facilities for both sexes, either as separate facilities or  
19 as scheduled and used separately by each sex.

20           (b) Public schools shall divide available evening time for athletic  
21 events fairly between events for each sex.

22           (c) The board and the Board of Regents of the University of Alaska  
23 shall develop surveys for distribution each year to students above the  
24 sixth grade in each public educational institution in the state to  
25 determine student interest in male and female participation in specific  
26 sports.

27           Sec. 14.18.050. DISCRIMINATION IN COURSE OFFERINGS PROHIBITED. All  
28 public education classes are available to all students without regard to  
29 sex. Separation of the sexes is permitted during sessions on sex educa-

1 tion or during participation in physical education activities when the  
2 purpose of the activity or the major activity involves bodily contact.

3 Sec. 14.18.060. DISCRIMINATION IN TEXTBOOKS AND INSTRUCTIONAL  
4 MATERIALS PROHIBITED. School boards shall review textbooks and instruc-  
5 tional materials for evidence of sex bias every three years and shall  
6 advise teachers of instances of sex bias in textbooks and materials in  
7 use. School boards shall use educationally sound, non-biased texts and  
8 other instructional materials as they become available. Nothing in  
9 this section prohibits use of literary works. School districts shall  
10 offer in-service training programs designed to prepare teachers to aid  
11 students in the recognition of sex-biased materials.

12 Sec. 14.18.070. IMPLEMENTATION. (a) The board shall adopt regu-  
13 lations under the Administrative Procedure Act (AS 44.62) to implement  
14 this chapter.

15 (b) The Board of Regents shall adopt rules under AS 14.40.-  
16 170(b)(1) to implement this chapter.

17 Sec. 14.18.080. COMPLIANCE. The commissioner shall establish  
18 guidelines for affirmative action programs covering both equal employ-  
19 ment and equal educational opportunity to be adopted by all school  
20 districts and regional educational attendance areas, along with a com-  
21 pliance timetable, and shall monitor the compliance by school districts  
22 and regional educational attendance areas with the guidelines.

23 Sec. 14.18.090. ENFORCEMENT BY BOARD OF EDUCATION. (a) The  
24 board shall enforce compliance by school districts and regional educa-  
25 tional attendance areas with the provisions of this chapter and the  
26 regulations and guidelines adopted under it by appropriate order made  
27 in accordance with AS 44.62. After hearing and a finding that a dis-  
28 trict or a regional educational attendance area is not in compliance  
29 with this chapter and is not actively working to come into compliance,

1 the board shall, as appropriate,

2 (1) order a mandatory affirmative action program within the  
3 school district or regional educational attendance area; and

4 (2) institute appropriate proceedings to abate the practices  
5 found by the board to be a violation of this chapter.

6 (b) After a finding by the board that a district or regional edu-  
7 cational attendance area has not complied with AS 14.18.020 - 14.18.060,  
8 and that the measures taken under AS 14.18.090(a)(1) and (2) have been  
9 ineffective, the board shall terminate all or part of state foundation  
10 program funds or any other funds disbursed by the department to the  
11 school district or regional educational attendance area.

12 Sec. 14.18.100. REMEDIES. (a) A person aggrieved by a violation  
13 of this chapter or of a regulation or guideline adopted under this  
14 chapter as to primary or secondary education may file a complaint with  
15 the board or with the State Commission for Human Rights and has an  
16 independent right of action in superior court for civil damages and for  
17 such equitable relief as the court may determine.

18 (b) A person aggrieved by a violation of this chapter or of a  
19 regulation or guideline adopted under this chapter as to postsecondary  
20 education may file a complaint with the State Commission for Human  
21 Rights and has an independent right of action in superior court for  
22 civil damages and for such equitable relief as the court may determine.

23 Sec. 14.18.110. EFFECT OF CHAPTER. This chapter is supplementary  
24 to and does not supersede existing laws and regulations relating to  
25 unlawful discrimination based on sex.  
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